UNITED
NATIONS

CAT

Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

Distr.
GENERAL

CAT/C/SR.170
23 November 1993

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Eleventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 170th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 November 1993, at 10 a.m.

Chairman: Mr. VOYAME

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.170/Add.1.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Supplementary report of Egypt (continued) (CAT/C/17/Add.11)

1. At the invitation of the Chairman, Mr. Zahran and Mr. Bebars (Egypt) took seats at the Committee table.

2. Mr. DIPANDA MOUELLE (Country Rapporteur) read out the Committee's conclusions and recommendations on the supplementary report of Egypt:

"1. The Committee against Torture considered the supplementary report of Egypt (CAT/C/17/Add.11) at its 162nd, 163rd and 170th meetings on 12 and 18 November 1993 and adopted the following conclusions:

I. Introduction

2. The Committee thanks Egypt for its report and the written replies to the questions raised by the members of the Committee during its consideration of the State party's initial report (CAT/C/5/Add.23).

3. It welcomes the willingness of the Government of Egypt to continue the dialogue with the Committee, as shown by the presence of a large high-level delegation, which it thanks for the replies that it gave to its questions.

4. It nevertheless deplores the fact that the report was not prepared in accordance with the general guidelines adopted by the Committee (CAT/C/14) and the fact that the information does not follow the sequence of articles 2 to 16 of the Convention. Although the report contains a wealth of information on legislation, with an accompanying annex in which the articles of the Convention are compared with some articles of the Constitution and those of other legislative provisions, it provides very little information on the application of the Convention in practice, even though the representative of the State gave other additional information in his oral introduction.

5. It also deplores the fact that the replies given by the Egyptian delegation were often more general than specific.

6. The Committee considers that it would have been particularly useful for additional information to have been made available, including statistics on investigations into allegations of torture, legal proceedings and sentences handed down against persons responsible for acts of torture and ill-treatment.

7. The Committee thanks the State party for the core document (HRI/CORE/1/Add.19), which was prepared in accordance with the consolidated guidelines for the initial part of reports of States parties to be submitted under the various international human rights instruments.

8. The Committee regrets that some documents and information on statistical data needed for a practical understanding of the report were not annexed to the report at the time of its submission and were not distributed to the members of the Committee until during the 162nd meeting.

II. Positive aspects

9. The Committee notes with satisfaction that the renewed dialogue with the State party has enabled it to assess the extent to which domestic legislation is in keeping with the provisions of the Convention, as well as the factors and difficulties impeding their application.

10. It also notes that, in general, the legal situation is satisfactory, in so far as persons awaiting trial and the Egyptian people seem to have confidence in the ordinary law courts.

11. It welcomes the fact that non-governmental organizations active in the field of human rights have the opportunity to express themselves freely and to visit certain places of detention.

III. Factors and difficulties impeding the application of the provisions of the Convention

12. The Committee notes that the state of emergency proclaimed in Egypt without interruption since 1981 is one of the main obstacles to the full application of the provisions of the Convention.

IV. Principal subjects of concern

13. In the light of concordant and specific information received from a number of reliable non-governmental organizations and from the Special Rapporteur of the United Nations Commission on Human Rights to examine questions relevant to torture, the Committee is concerned about the fact that torture is apparently still widespread in Egypt.

14. The Committee is also concerned about shortcomings in suitable preventive measures to combat torture, including the length and conditions of police custody and administrative detention and the slow pace of trials of persons responsible for acts of torture or ill-treatment.

15. It is also concerned about the existence in Egypt of many special courts, such as the military courts whose functioning would suggest that they are subordinate to the head of the executive branch, since some provisions of the Act on the State of Emergency authorize the President of the Republic to refer cases to the State security courts and to approve the decisions handed down.

16. Aware that, in recent years, terrorism has created a disturbing and alarming situation in Egypt and mindful of the fact that it is the Government's responsibility to combat terrorism in order to maintain law and order, the Committee nevertheless notes that the different measures

taken or to be taken for that purpose must never result in non-compliance with the Convention by the State party or in any case justify torture. It should be recalled in that respect that, under article 2, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political stability, an order from a superior officer or a public authority or any other public emergency, may be invoked as a justification of torture.

V. Suggestions and recommendations

17. The Committee suggests that the State party should provide in its penal legislation for all forms of torture, fully incorporating all elements of the definition contained in article 1 of the Convention.

18. The Committee also suggests that the State party should include in its next periodic report, which is due in 1996, all the details and information relating to the many questions and inquiries which were not answered during the discussion.

19. The Committee also suggests that the State party should establish machinery for a systematic review of interrogation rules, methods and practices, particularly in police premises, in order to honour its commitments under article 11 of the Convention.

20. It recommends that the Government of Egypt should continue its efforts to introduce other reforms to penal legislation, particularly with regard to the excessive powers granted to the executive by certain legislative provisions and the length and conditions of police custody and administrative detention.

21. The Committee recommends that, while paying particular attention to the protection of the rights of persons arrested and detained, the State party should intensify the educational, training and information programmes provided for in article 10 of the Convention, for all the officials concerned.

22. The Committee recommends that the Egyptian authorities should undertake and expedite serious investigations into the conduct of the police forces in order to establish the truth of many allegations of acts of torture and, if the results of the investigations are positive, bring the persons responsible before the courts and issue and transmit to the police specific and clear instructions designed to prohibit any act of torture.

23. The Committee, which appreciates the ratification by Egypt of most human rights Covenants and Conventions, hopes that the Egyptian Government will respond favourably to these suggestions and recommendations and that it will spare no effort to put them into practice."

3. Mr. ZAHRAN (Egypt) said that he had taken due note of the Country Rapporteur's statement. He would like to make his own preliminary comments on the Committee's recommendations and conclusions. Egypt would communicate its detailed replies to the Committee at a later date. He pointed out that, at the 163rd meeting, his delegation had spared no effort to reply to the Committee's questions, requests for clarification and comments on the report.

4. Referring to the comment made by Mr. Sorensen that Egypt had accepted assistance from a Danish organization in setting up a centre for the rehabilitation of torture victims, he said that he had checked with his Government in Cairo and could confirm that no such centre existed. Nor had there ever been any coordination between Egypt and Denmark on such a project. In actual fact, the Danish organization concerned had provided assistance to an Egyptian company in the private sector, as part of that company's personal effort to help the victims of terrorist violence, of which Egypt was currently the target.

5. He was surprised that, in its conclusions, the Committee had deplored the lack of sufficient information and statistics. His delegation had done its very best to submit all data and information on cases of torture both in its report and in its statements at the 162nd and 163rd meetings, and it had clearly emerged that Egypt did not tolerate torture and that the Convention against Torture was an integral part of Egyptian legislation. Every case of alleged torture had been brought to the attention of the authorities; persons found guilty of committing torture were given prison sentences and compensation was paid. Thus, the conclusions were wrong to maintain that torture was widespread in Egypt.

6. Furthermore, the state of emergency in Egypt was not an obstacle to the application of the provisions of the Convention. The state of emergency had been declared in order to combat terrorism, but that did not mean that torture was justified. Terrorism was a phenomenon that was occurring in many countries, including in Europe, but that did not suggest that torture was tolerated.

7. With regard to military courts, certain criminals who had committed terrorist acts had been tried before those bodies, but that did not imply that such courts impeded the exercise of fundamental freedoms, including the right to life. On the contrary, it was terrorism itself that was a form of torture.

8. His delegation welcomed the close ties of cooperation with the Committee because it was important to join efforts to eradicate torture, wherever it occurred. Egypt was working with non-governmental organizations to that end and would continue to do so in future.

9. It was to be hoped that the Committee's report would reflect not only allegations, but also the replies of Governments to them. When a complaint was received, its veracity had to be determined. In future, the Committee must endeavour to produce more neutral conclusions.

10. His Government looked forward to pursuing its dialogue with the Committee.

11. The CHAIRMAN said that he was convinced that the Committee's fruitful dialogue with Egypt would continue.

12. Mr. Zahran and Mr. Bebars (Egypt) withdrew.

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 7)

13. Mr. SORENSEN said that the World Conference on Human Rights, had taken place in Vienna from 14 to 25 June 1993, 25 years after the first such World Conference in Tehran. Over 1,000 non-governmental organizations had participated and virtually all States had been represented. The plenary had been presided over by the Austrian Minister for Foreign Affairs and speakers had included the Secretary-General of the United Nations and many Ministers for Foreign Affairs and Heads of State. Many human rights treaty bodies had also taken part. Special meetings had taken place between the treaty bodies which had led to very positive results and various meetings involving non-governmental organizations had been held, including an important meeting on the issue of torture.

14. Of particular significance from the Committee's point of view was the fact that it had achieved its goal of having a chapter on the issue of torture included in the Vienna Declaration, thereby putting torture finally on the human rights agenda. Indeed, the draft Declaration produced by the Drafting Committee, which had been based on working papers prepared in preliminary committee meetings and at regional conferences, contained all the items which the Committee had wanted to have included and had finally been adopted by consensus by 160 countries. As such, it could be regarded as having considerable weight. It set out clear priorities in unambiguous language and included a specific programme of action which now needed to be implemented.

15. There followed a slide presentation on torture.

The public meeting rose at 11.15 a.m.